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UNITED STATES DISTRICT COURT
CLARK COUNTY, NEVADA

11 EMILIANO GUTIERREZ-CHAVEZ, an
12 individual, YOLANDA BECERRA-
13 ALDANA, an individual; and EMILIANO
14 GUTIERREZ-BECERRA, an individual;
15 Plaintiffs,
16 v.

15 LOUDERBACK LOGISTICS, LLC, a Foreign
16 Corporation; ATLAS VAN LINES a
17 subsidiary of ATLAS WORLD GROUP, a
18 Foreign Corporation; DARRYL WILLIAMS;
19 an individual, DOES I through XX, inclusive;
20 and ROE BUSINESS ENTITIES I through
21 XX, inclusive,

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Defendants.

CASE NO.: 2:24-cv-00851-JAD-EJY

**STIPULATION AND ORDER FOR
FRCP 35 INDEPENDENT MEDICAL
EXAMINATION OF PLAINTIFF
EMILIANO GUTIERREZ-
BECERRA**

21 IT IS HEREBY STIPULATED by and between Plaintiff EMILIANO GUTIERREZ-
22 BECERRA, through his attorneys Paul S. Padda, Esq. and Srilata R. Shah, Esq. of PAUL PADD
23 LAW, PLLC, and Defendants, LOUDERBACK LOGISTICS, LLC, ATLAS VAN LINES, INC.
24 and DARRYL WILLIAMS, through their attorneys Melissa J. Roose, Esq. and Robert L.
25 Thompson, Esq. of the law firm of RESNICK & LOUIS, P.C., to the terms of the Independent
26 Medical Examination (hereinafter “examination”) pursuant to FRCP 35 as follows:
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1 1. The examination of Plaintiff, EMILIANO GUTIERREZ-BECERRA, shall be conducted
2 by Arthur J. Taylor, M.D. (“Rule 35 medical examiner”). [Defendants reserve the right to change
3 the identity of the Rule 35 medical examiner should a conflict, scheduling issue or otherwise
4 arise prior to the examination proceeding.] No other physician, surgeon, or chiropractor shall be
5 present during the examination. If necessary, the Rule 35 medical examiner may utilize members
6 of his/her staff to assist during the examination.

7 2. The examination shall be conducted on a date and time agreeable to the Rule 35
8 medical examiner and the parties which will be referenced within the separately issued
9 Notice of Independent Medical Examination.

10 3. Plaintiff must arrive **thirty (30) minutes** prior to the examination and bring state or
11 federally issued identification (i.e., driver’s license, passport, et al.).

12 4. Should Plaintiff fail to appear at the examination entirely, and/or fail to provide notice
13 that an interpreter is needed, counsel for Defendants shall seek reimbursement from Plaintiff for
14 the fee of the missed appointment. Should the Rule 35 medical examiner agree to waive any
15 fees or costs to Defendants should Plaintiff fail to appear, Defendants agree they will not attempt
16 to pass those fees onto Plaintiff.

17 5. Plaintiff will be required to fill out standard intake forms prior to the examination which
18 will be provided to Plaintiffs’ counsel and must be returned to defense counsel at least five (5)
19 business days before the date of the examination.

20 6. The examination shall be completed within two (2) hours, and Plaintiff will not be made
21 to wait for the examination to begin for more than thirty (30) minutes from the scheduled start
22 time.

23 7. During the examination, the Rule 35 medical examiner will not ask Plaintiff questions
24 relating to liability; however, the Rule 35 medical examiner may ask questions regarding the
25 underlying subject incident as relates to medical causation.

26 8. No medical treatment will be rendered to Plaintiff by the Rule 35 medical examiner.
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1 9. Neither defense counsel nor Plaintiffs' counsel, nor anyone from their respective offices,
2 may attend the examination.

3 10. Plaintiff may have a non-medical family member or friend in attendance at the
4 examination. The observer agrees not to interfere in any way with the examination.

5 11. Both parties are permitted to audio record the examination if they choose. Whomever
6 chooses to record the examination shall produce a copy to the other party.

7 12. The Rule 35 medical examiner shall be provided with a copy of these terms and
8 conditions prior to the examination.

9 DATED this 11th day of September, 2024.

DATED this 11th day of September, 2024.

10 /s/ Srilata R. Shah

/s/ Robert L. Thompson

11 Paul S. Padda, Esq.

Melissa J. Roose, Esq.

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Attorneys for Defendants,

17 *Emiliano Gutierrez-Chavez, Yolanda*

Louderback Logistics, LLC,

18 *Becerra-Aldana, and Emiliano Gutierrez-*

Atlas Van Lines, Inc. and Darryl

19 *Becerra*

Williams

20 **ORDER**

21 **IT IS SO ORDERED.**

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U.S. MAGISTRATE JUDGE

23 DATED: September 12, 2024
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